

Attachments

to

**Report of the Advisory Committee
on Bias-Based Profiling
by Law Enforcement Officers
and Law Enforcement Agencies**

**Maine Revised Statute Title 25, Chapter 355: ADVISORY COMMITTEE ON
BIAS-BASED PROFILING BY LAW ENFORCEMENT OFFICERS AND LAW
ENFORCEMENT AGENCIES**

Table of Contents

Part 8. MAINE CRIMINAL JUSTICE ACADEMY.....

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Section 3001. ADVISORY COMMITTEE ON BIAS-BASED PROFILING BY LAW
ENFORCEMENT OFFICERS AND LAW ENFORCEMENT AGENCIES (CONTAINS
TEXT WITH VARYING EFFECTIVE DATES) (WHOLE SECTION TEXT EFFECTIVE
UNTIL 11/1/12) (WHOLE SECTION TEXT REPEALED 11/1/12 BY T.25, §3003; PL 2009,
C. 353, §2) 2

Section 3002. ADVISORY COMMITTEE ON BIAS-BASED PROFILING BY LAW
ENFORCEMENT OFFICERS AND LAW ENFORCEMENT AGENCIES FUND
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES) (WHOLE SECTION TEXT
EFFECTIVE UNTIL 11/1/12) (WHOLE SECTION TEXT REPEALED 11/1/12 BY T.25,
§3003; PL 2009, C. 353, §2) 3

Section 3003. REPEAL (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)
(WHOLE SECTION TEXT EFFECTIVE UNTIL 11/1/12) (WHOLE SECTION TEXT
REPEALED 11/1/12 BY T.25, §3003) 4

25 §3001. ADVISORY COMMITTEE ON BIAS-BASED PROFILING BY LAW ENFORCEMENT OFFICERS AND LAW ENFORCEMENT AGENCIES

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 11/1/12)

(WHOLE SECTION TEXT REPEALED 11/1/12 by T.25, §3003; PL 2009, c. 353, §2)

1. Committee established. The Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies, referred to in this chapter as "the committee," is established by Title 5, section 12004-I, subsection 74-F to study the issue of bias-based profiling.

[2009, c. 353, §2 (NEW) .]

2. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Bias-based profiling" means the use by a law enforcement officer or law enforcement agency of race, ethnicity, religion or national origin, in the absence of a specific report or other identifying information, as a factor in determining the existence of probable cause or reasonable suspicion for an arrest, investigative detention, field identification or traffic stop. [2009, c. 353, §2 (NEW) .]

B. "Commissioner" means the Commissioner of Public Safety. [2009, c. 353, §2 (NEW) .]

[2009, c. 353, §2 (NEW) .]

3. Membership. The committee consists of the following members:

A. The commissioner or the commissioner's designee, who shall act as cochair; [2009, c. 353, §2 (NEW) .]

B. One representative from each of the following law enforcement organizations, appointed by the commissioner from a list submitted by the organization to the commissioner:

(1) One representative of a statewide association of chiefs of police;

(2) One representative of a statewide association of sheriffs;

(3) One representative of police labor organizations in this State; and

(4) One at-large active line officer who is a member of a police labor organization in this State; [2009, c. 353, §2 (NEW) .]

C. One at-large representative who is a current or former officer of the Maine State Police, appointed by the commissioner; [2009, c. 353, §2 (NEW) .]

D. The Attorney General or the Attorney General's designee; [2009, c. 353, §2 (NEW) .]

E. One representative appointed by the Board of Trustees of the Maine Criminal Justice Academy; [2009, c. 353, §2 (NEW) .]

F. Seven representatives from different civil rights organizations in the State, each appointed by the commissioner and selected from a list submitted by civil rights organizations to the commissioner. Of the 7, at least one representative must be selected from the list submitted by chapters of the National Association for the Advancement of Colored People within the State, and that member shall act as cochair; and [2009, c. 353, §2 (NEW) .]

G. One representative appointed by the commissioner and selected from lists submitted by federally recognized Indian tribes in this State. [2009, c. 353, §2 (NEW) .]

[2009, c. 353, §2 (NEW) .]

4. Terms. Members shall serve for 3-year terms. When a vacancy occurs, the original appointing

authority shall appoint a new member to serve for the remainder of the term.

[2009, c. 353, §2 (NEW) .]

5. Meetings. The committee may meet as often as necessary.

[2009, c. 353, §2 (NEW) .]

6. Compensation. Members of the committee are not entitled to compensation according to the provisions in Title 5, section 12004-I, subsection 74-F.

[2009, c. 353, §2 (NEW) .]

7. Duties. The committee shall:

A. Work with the Board of Trustees of the Maine Criminal Justice Academy to develop a model policy on bias-based profiling; [2009, c. 353, §2 (NEW) .] ✓

B. Work with law enforcement across the State on a voluntary basis to assess whether or not bias-based profiling occurs in this State and, if it does, to what extent and to offer proposals and make recommendations to address the matter; [2009, c. 353, §2 (NEW) .]

C. Make recommendations to the Board of Trustees of the Maine Criminal Justice Academy on curricula for basic and in-service law enforcement training on the subject of bias-based profiling; [2009, c. 353, §2 (NEW) .] ✓

D. Establish a mechanism for outreach and public awareness campaigns to educate advocacy organizations and the general public about modern law enforcement practices and procedures; and [2009, c. 353, §2 (NEW) .]

E. Advise the Legislature on matters involving bias-based profiling on its own initiative or when requested. [2009, c. 353, §2 (NEW) .]

[2009, c. 353, §2 (NEW) .]

8. Annual report. Beginning in 2010, the committee shall report annually by February 15th and as requested to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to the Board of Trustees of the Maine Criminal Justice Academy. The report may serve as a guide for the joint standing committee concerning the need for legislation on the issue of bias-based profiling. The joint standing committee is authorized to report out relevant legislation after receiving the committee's annual report.

[2009, c. 353, §2 (NEW) .]

SECTION HISTORY

2009, c. 353, §2 (NEW) .

25 §3002. ADVISORY COMMITTEE ON BIAS-BASED PROFILING BY LAW ENFORCEMENT OFFICERS AND LAW ENFORCEMENT AGENCIES FUND

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 11/1/12)

(WHOLE SECTION TEXT REPEALED 11/1/12 by T.25, §3003; PL 2009, c. 353, §2)

1. Fund established. The Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account and is nonlapsing. The commissioner may use the fund only to support the costs associated with committee administration and educational and training materials regarding bias-based

profiling.

[2009, c. 353, §2 (NEW) .]

2. Revenue sources. The commissioner may accept private and public contributions intended to be used for the purposes of the fund.

[2009, c. 353, §2 (NEW) .]

3. Budget. The commissioner shall submit a budget for the fund for each biennium pursuant to Title 5, sections 1663 and 1666.

[2009, c. 353, §2 (NEW) .]

SECTION HISTORY

2009, c. 353, §2 (NEW) .

25 §3003. REPEAL

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 11/1/12)

(WHOLE SECTION TEXT REPEALED 11/1/12 by T.25, §3003)

This chapter is repealed November 1, 2012. [2009, c. 353, §2 (NEW) .]

SECTION HISTORY

2009, c. 353, §2 (NEW) .

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Bias-Based Profiling Committee -- March, 2010

Members:

- The Commissioner of Public Safety or her designee who shall serve as Co-Chair-
Commissioner Anne Jordan;
Anne.h.jordan@maine.gov
- One representative of a statewide association of chiefs of police-Chief Douglas Bracy, York
Police Department;
dbracy@yorkpolice.org
- One representative of a statewide association of sheriffs-Sheriff Wayne Gallant, Oxford
County Sheriff's Department;
wjgallant@megalink.net
- One representative of police labor organizations in this State-Paul Gasper, Maine Association
of Police;
Map75@myfairpoint.net
- One at-large active line officer who is a member of a police labor organization in this State-
Alden Weigelt, Waterville Police Department;
aweigelt@waterville-me.gov
- One at-large representative who is a current or former officer of the Maine State Police,
appointed by the commissioner-Colonel Patrick Fleming;
Patrick.j.fleming@maine.gov
- The Attorney General or the Attorney General's designee-AAG Thomas Harnett;
Thomas.harnett@maine.gov
- One representative appointed by the Board of Trustees of the Maine Criminal Justice
Academy-John Rogers;
John.rogers@maine.gov
- Seven representatives from different civil rights organizations in the State, each appointed by
the commissioner and selected from a list submitted by civil rights organizations to the
commissioner. Of the 7, at least one representative must be selected from the list submitted by
chapters of the National Association for the Advancement of Colored People within the State,
and that member shall act as co-chair;
- Rachel Talbot Ross-NAACP-Co-Chair;
RTR@portlandmaine.gov
- Steven Wessler-Center for the Prevention of Hate Violence;
steview@preventinghate.org

- Maine Civil Liberties Union-Alysia Melnick;
info@mclu.org
- Immigration Legal Advocacy Project-Beth Stickney;
bstickney@ilapmaine.org
- Tengo Voz-Reverend Virginia Marie Rincon, while she is on sabbatical she will be represented by Blanca Santiago;
bs.jb.pine@gmail.com.
- Qamar Bashir-Advocate for refugee/immigrant community members;
RISinfo@ccmaine.org
- Marvin Glazier, Esq.-representing the Jewish community;
mhg@vbk.com
- One representative appointed by the commissioner and selected from lists submitted by federally recognized Indian tribes in this State-George Tomer, Tribal Elder;
georgestomer@yahoo.com

Bias-Based Profiling Committee – January, 2012

Members:

- The Commissioner of Public Safety or his designee who shall serve as Co-Chair-
Commissioner John Morris;
john.e.morris@maine.gov
- One representative of a statewide association of chiefs of police-Chief Douglas Bracy, York
Police Department;
dbracy@yorkpolice.org
- One representative of a statewide association of sheriffs-Sheriff Wayne Gallant, Oxford
County Sheriff's Department;
wjgallant@megalink.net
- One representative of police labor organizations in this State-Paul Gasper, Maine Association
of Police;
Map75@maine.rr.com
- One at-large active line officer who is a member of a police labor organization in this State-
Alden Weigelt, Waterville Police Department;
aweigelt@waterville-me.gov
- One at-large representative who is a current or former officer of the Maine State Police,
appointed by the commissioner-Colonel Robert Williams;
robert.a.williams@maine.gov
- The Attorney General or the Attorney General's designee-AAG Thomas Harnett;
Thomas.harnett@maine.gov
- One representative appointed by the Board of Trustees of the Maine Criminal Justice
Academy-John Rogers;
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and that member shall act as co-chair;
- Rachel Talbot Ross-NAACP-Co-Chair;
RTR@portlandmaine.gov
- Steven Wessler;
steviewessler@gmail.com

- Maine Civil Liberties Union-Alysia Melnick;
amelnick@mclu.org
- Immigration Legal Advocacy Project-Andi Summers;
asummers@ilapmaine.org
- Tengo Voz-Reverend Virginia Marie Rincon, while she is on sabbatical she will be represented by Blanca Santiago;
bs.jb.pine@gmail.com.
- Ben Chin of the Maine People's Alliance-Advocate for refugee/immigrant community members;
ben@mainepeoplesalliance.org
- Rabbi Darah Lerner-representing the Jewish community;
ravlerner@myfairpoint.net
- **vacant**-One representative appointed by the commissioner and selected from lists submitted by federally recognized Indian tribes in this State;

Maine Criminal Justice Academy Board of Trustees Minimum Standards

HATE OR BIAS CRIMES POLICY

Date Board Adopted: 09/09/2011

Effective Date: 12/31/2011

The agency must have a written policy to address Hate or Bias Crimes by its officers, to include, at a minimum, provisions for the following:

1. A policy statement that recognizes the importance of investigating all bias motivated complaints.
2. A policy statement that prohibits the stops, detentions, searches, or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, religion, economic status, age, or cultural group by members of this agency; and which states individuals shall only be stopped or detained when legal authority exist to do so; and that members of this agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information.
3. Officers are responsible for being familiar with the Maine Civil Rights Act and applicable criminal statutes.
4. Definition of a hate or bias crime, and a bias motivated incident.
5. Definition of bias-based profiling: Targeting an individual(s) based on a trait common to a group for enforcement action to include, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.
6. Dispatching procedures regarding receipt and response to a bias motivated complaint.
7. Establish an investigative procedure to be used for bias motivated incidents.
8. Requirement to notify the Office of the District Attorney of any bias motivated crime(s) discovered through investigation.
9. Requirement to establish notification and reporting procedures to the Office of the Attorney General of any bias motivated crime or incident.
10. Procedure for identifying the agency's civil rights officer.
11. Description of the duties of the agency's civil rights officer.
12. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.
Note: Any violation of these standards may result in action by the Board of Trustees.

adopted: 09/15/2011 MANDATORY POLICY

SUBJECT: HATE/BIAS CRIMES, VIOLATIONS OF
CIVIL RIGHTS and BIAS-BASED PROFILING

Number: 1-6

EFFECTIVE DATE: 00/00/0000

REVIEW DATE: 00/00/0000

AMENDS/SUPERSEDES: 09/13/2000 APPROVED: _____
09/15/2006 Chief Law Enforcement Officer

I. POLICY

It is the policy of this law enforcement agency to safeguard the state and federal rights of all individuals without regard to race, color, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation. Any bias-motivated acts including violence, threats of violence, property damage, or the threat of property damage, harassment, intimidation, or any other bias-motivated crime or act will be given high priority. One or more officers will be designated as the agency's civil rights officer. When dealing with a bias-motivated crime or complaint, this agency will diligently investigate the allegations, identify the perpetrators, and refer the incident to the Office of the Attorney General and the Office of the District Attorney for appropriate action.

Minimum Standard: 1

Also, recognizing the particular fears and distress typically suffered by victims of bias-motivated incidents, the potential for reprisal and escalation of violence, and the possible far-reaching negative consequences of these acts on the community and the agency, particular attention will be given to addressing the security and related concerns of the immediate victims, as well as their families and others affected by the crime.

It is the responsibility of each officer to be familiar with the "Maine Civil Right Act¹," "Interference with Constitutional and Civil Rights²," and "General Sentencing Provisions³."

Minimum Standard: 3

¹ 5 M.R.S. Chapter 337-B

² 17 M.R.S. Chapter 93-C

³ 17-A M.R.S. Chapter 47

It is also the policy of this agency that bias-based profiling and/or any other discriminatory practice by members of this agency is strictly prohibited. This includes stops, detentions, or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, religion, economic status, age, or cultural groups. This agency also requires that individuals shall only be stopped or detained when legal authority exists to do so and that members of this agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information.

Minimum Standard 2

Given this is a statutorily mandated policy, officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.⁴

Minimum Standard 12

II. PURPOSE

The purpose of this policy is to assist employees in identifying incidents motivated by bias; based on race, color, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation, in reporting such incidents, and in defining appropriate steps for assisting victims, apprehending suspects, and to prohibit employees from bias-based profiling.

III. DEFINITIONS

- A. Bias-Motivated Incident: Means any incident that is motivated in whole or in part by bias-motivated conduct. The bias motivation would include bias based on race, color, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation.

Minimum Standard: 4

- B. Bias-Based Profiling: Means targeting an individual(s) based on a trait common to a group for enforcement action to include, but not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.

Minimum Standard: 5

- C. Civil Rights Violation: Means bias motivated conduct that violates the Maine Civil Rights Act.

⁴ 25 M.R.S. § 2803-B

- D. Hate Crime: Means any crime motivated in whole or in part by bias based on race, color, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation.

Minimum Standard: 4

- E. Civil Rights Officer: Means a law enforcement officer of the agency who has received special training and certification from the Office of the Attorney General in identifying and investigating civil rights violations.

IV. PROCEDURE - Initial Response

- A. Emergency Communication Specialist (ECS) Reporting: Whenever an ECS receives a call, which includes an allegation that the conduct was motivated by bias; based on race, color, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation, the ECS will advise the responding unit(s). Once the responding unit(s) has confirmed that the incident was motivated in whole or part by bias, the ECS will notify the shift supervisor of the situation.

Minimum Standard: 6

- B. Law Enforcement Officer (LEO) Procedures: When a LEO at the scene of an incident believes that it may have been motivated in whole or in part by bias; based on race, color, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation, the LEO shall take any preliminary action necessary, and thereafter notify the supervisor and the agency's Civil Rights Officer.

Minimum Standard: 7

- B. Supervisor's Responsibilities: The supervisor shall confer with the initial responding LEO, take measures to ensure that all necessary preliminary actions have been taken and inform the agency's Civil Rights Officer.

Minimum Standard: 7

V. PROCEDURE - Civil Rights Officer Responsibilities

- A. The Civil Rights Officer for this agency shall be assigned by the Chief Law Enforcement Officer (CLEO) and each LEO shall identify to any member of the public who that person is. The Civil Rights Officer may assume control of the investigation.

This includes:

1. Assuring that the scene is properly protected, preserved and processed. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall) the owner of the property shall be contacted to remove such material as soon as possible and the LEO shall follow-up to ensure that this is accomplished in a timely manner.
2. Conduct or cause to be conducted a comprehensive interview with all victims and witnesses at the scene, including a canvas of the neighborhood for additional sources of information.
3. Notify other appropriate personnel in the chain of command.

Minimum Standards: 7, 8, 10 and 11

4. Notify the Office of the Attorney General by contacting the Investigation Division at 207-626-8520 and follow up with a copy of the report by mailing to Det. Margie Berkovich, Office of the Attorney General, 6 State House Station, Augusta, Maine 04333-006.

Minimum Standards: 7, 9 and 11

5. Work closely with the Office of the District Attorney to ensure that a legally adequate case is developed for prosecution.

Minimum Standards: 7 and 11

B. Civil Rights Officers shall also take the lead role in providing on-going assistance to the crime victim to include:

1. Contacting the victim periodically to determine whether the victim is receiving adequate and appropriate assistance.
2. Providing information to the victim about the status of the criminal investigation.

Minimum Standards: 7 and 10

VI. PROCEDURE - Community Relations/Crime Prevention

Hate crimes, civil rights violations, and bias-motivated incidents are viewed in the community not only as crimes or incidents against the targeted victim, but also as crimes or incidents against the victim's community as a whole. Working constructively with segments of this larger audience after such incidents, is essential to help prevent additional hate crimes, civil rights violations, and bias-motivated incidents and encourage any other previously victimized individuals to step forward and report those incidents. Toward this end, this agency's community relations function, or employees so assigned should:

- A. Meet with neighborhood groups, residents in target Communities, and other identified groups to allay fears, relay this agency's concern over and response to this and related incidents, reduce the potential for counter-violence, and provide safety, security, and crime prevention information.
- B. Provide direct and referral assistance to the victim and the victim's family.
- C. Conduct public meetings on bias threats and violence in general, and as it relates to specific incidents.
- D. Establish liaison with formal organizations and leaders.
- E. Expand, where appropriate, existing preventive programs such as anti-hate seminars for school children.

VI. PROCEDURE - Bias-Based Profiling Discriminatory Practices

- A. In the absence of a specific report, bias-based profiling of an individual shall not be a factor in determining the existence of probable cause to detain or place into custody any person, or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of that person, or for the investigatory stop of a motor vehicle.
- B. In response to a specific credible report of activity, race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place a person under custodial detention or arrest.

- C. Stops, detentions, pursuing asset seizures and forfeiture efforts based on race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group by members of this agency are prohibited. The detention of any person must be based on factors related to a violation of federal law or Maine statutes.
- D. All Complaints of bias-based profiling or other discriminatory practices shall be received, documented and investigated in accordance with MCOPA Model Policy 1-10 on "Complaints Against Law Enforcement Agency Personnel"

Minimum Standard 2

MAINE CHIEFS OF POLICE ASSOCIATION - ADVISORY

This Maine Chiefs of Police Association model policy is provided to assist your agency in the development of your own policies. All policies mandated by statute contained herein meet the standards as prescribed by the Board of Trustees of the Maine Criminal Justice Academy. The Chief Law Enforcement Officer is highly encouraged to use and/or modify this model policy in whatever way it would best accomplish the individual mission of the agency.

DISCLAIMER

This model policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for administrative sanctions by the individual law enforcement agency and/or the Board of Trustees of the Maine Criminal Justice Academy. This policy does not hold the Maine Chiefs of Police Association, its employees or its members liable for any third party claims and is not intended for use in any civil actions.

APPENDIX #1

MAINE CIVIL RIGHTS ACT

§ 4681. VIOLATIONS OF CONSTITUTIONAL RIGHTS; CIVIL ACTION BY ATTORNEY GENERAL

1. **Interference with rights; action by Attorney General.** Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured.

2. **Place and name of action.** A civil action under subsection 1 must be brought in the name of the State and instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business or where the alleged violation occurred.

3. **Jury trial.** There is a right to a jury at the trial of an action on the merits under this section, but there is no right to a jury at the hearing of an application for a preliminary injunction or a temporary restraining order.

4. **Civil penalty for violation.** Each violation of this section is a civil violation for which a civil penalty of not more than \$5,000 for each defendant may be adjudged. These penalties must be applied by the Attorney General in carrying out this chapter.

5. **Service of order or injunction.** Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

6. **Violation of restraining order or injunction.** A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime.

§ 4682. VIOLATIONS OF CONSTITUTIONAL RIGHTS; CIVIL ACTIONS BY AGGRIEVED PERSONS

1. **Remedy.** [1991, c. 821, §2 (RP) .]

1. (REALLOCATED TO T. 5, §4682, sub-§1-A) **Interference with rights; private actions.**

1-A. (REALLOCATED FROM T. 5, §4682, sub-§1) **Interference with rights; private actions.** Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the person whose exercise or enjoyment of these rights has been interfered with, or attempted to be interfered with, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief.

2. Place of action. The action under subsection 1 must be instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business.

3. Jury trial. There is a right to a jury at the trial of an action on the merits under this section, but there is no right to a jury at the hearing of an application for a preliminary injunction or a temporary restraining order.

4. Service of order or injunction. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

5. Violation of restraining order or injunction. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime.

5 § 4683. ATTORNEY'S FEES AND COSTS

In any civil action under this chapter, the court, in its discretion, may allow the prevailing party, other than the State, reasonable attorney's fees and costs, and the State shall be liable for attorney's fees and costs in the same manner as a private person.

5 § 4684. APPLICATION INCLUDES INTERFERENCE BY PRIVATE PARTIES

For the purposes of this chapter and Title 17, section 2931, rights secured by the Constitution of the United States and the laws of the United States and by the Constitution of Maine and the laws of the State include rights that would be protected from interference by governmental actors regardless of whether the specific interference complained of is performed or attempted by private parties.

5 § 4684-A. CIVIL RIGHTS

For purposes of this chapter and Title 17, section 2931, a person has the right to engage in lawful activities without being subject to physical force or violence, damage or destruction of property, trespass on property or the threat of physical force or violence, damage or destruction of property or trespass on property motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation.

5 § 4684-B. ADDITIONAL PROTECTIONS

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Building" means any structure having a roof or a partial roof supported by columns or walls that is used or intended to be used for shelter or enclosure of persons or objects regardless of the materials of which it is constructed.

B. "Health service" means any medical, surgical, laboratory, testing or counseling service relating to the human body.

C. "Physical obstruction" means rendering impassable ingress to or egress from a building or rendering passage to or from a building unreasonably difficult or hazardous.

2. Violation. It is a violation of this section for any person, whether or not acting under color of law, to intentionally interfere or attempt to intentionally interfere with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State by any of the following conduct:

A. Engaging in the physical obstruction of a building;

B. Making or causing repeated telephone calls to a person or a building, whether or not conversation ensues, with the intent to impede access to a person's or building's telephone lines or otherwise disrupt a person's or building's activities;

C. Activating a device or exposing a substance that releases noxious and offensive odors within a building; or

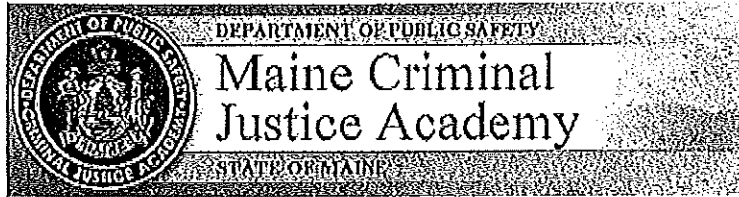
D. After having been ordered by a law enforcement officer to cease such noise, intentionally making noise that can be heard within a building and with the further intent either:

(1) To jeopardize the health of persons receiving health services within the building; or

(2) To interfere with the safe and effective delivery of those services within the building.

5 § 4685. SHORT TITLE

This chapter may be known and cited as the "Maine Civil Rights Act."



In-Service Training Requirements For All Law Enforcement Officers (Full-Time And Part-Time)

Every law enforcement officer in the State must meet the following training requirements in order to maintain certification. The Board of Trustees is required by law to revoke the certificate of any officer who fails to meet the training requirements.

2012 Calendar Year 2 hours each in:	2013 Calendar Year 2 hours each in:
MCJA Firearms Qualification	MCJA Firearms Qualification
New Law / Case Law Updates	New Law / Case Law Updates
Sovereign Citizens	Cultural Diversity & Biased Based Policing
Outlaw Motorcycle Gangs/Street Gangs	Drug Recognition and Impairment
Ethics	Social